

RINGKASAN

Dana kelurahan muncul setelah Asosiasi Pemerintah Kota Seluruh Indonesia (APEKSI) mengusulkan kepada Presiden pentingnya kelurahan mendapatkan seperti dana desa yang terbukti telah banyak membantu meningkatkan ekonomi warga desa. Keterbatasan sumber daya manusia di tingkat Kelurahan baik kuantitas maupun kualitas dibidang pengadaan barang/jasa menjadi PR besar daerah. Dilematiknya Permendagri No. 130 Tahun 2018 Tentang Kegiatan Pembangunan Sarana Dan Prasarana Kelurahan Dan Pemberdayaan Masyarakat di Kelurahan, dilengkapi Surat Edaran Kementerian Dalam Negeri Nomor 146/2694/SJ Tahun 2019 tentang Petunjuk Pelaksanaan Permendagri No. 130 Tahun 2018, menyatakan dengan tegas pelaksanaan pengadaan barang/jasa di kelurahan diutamakan melalui swakelola III atau IV. Pengadaan barang/jasa dengan swakelola adalah level manajerial. Dibutuhkan personil berkapasitas *top manajer* atau paling rendah *middle manager*. Swakelola bukan hanya swalaksana. Ada unsur perencanaan, pengorganisasi, pelaksanaan hingga pengawasan. Untuk itu menyerahkan swakelola pada level kelurahan sangat riskan

Metode pendekatan adalah Yuridis Normatif, Tipe penelitian deskriptif analisis. Sumber data sekunder, meliputi: peraturan perundang-undangan, literatur, hasil penelitian, pakar hukum, jurnal dan artikel hukum, kamus. Data diperoleh dengan menggunakan studi kepustakaan, disajikan dalam bentuk teks naratif yang disusun secara sistematis, dan dianalisis normatif kualitatif.

Hasil penelitian menunjukkan bahwa Kebijakan Pengadaan barang atau Jasa dana kelurahan di Kabupaten Banyumas tentunya mendasarkan pada ketentuan tertulis yang dibuat oleh pemerintah daerah. Implikasi hukum Pengadaan barang atau Jasa melalui Dana Kelurahan dalam Kegiatan Pembangunan Sarana dan Prasarana Kelurahan di Kabupaten Banyumas terdapat dua hal yaitu : Implikasi hukum yang pertama adalah adanya penyerahan kewenangan secara atributif kepada kepala daerah dalam hal ini Bupati untuk melaksanakan pengadaan barang atau Jasa yang kemudian didelegasikan kepada Lurah sebagai Kuasa Pengguna Anggaran (KPA) dan pejabat penatausahaan sebagai Pejabat Pembuat Komitemn (PPKom) dalam proses pengadaan barang atau Jasa. Dalam pelaksanaan pengadaan barang atau Jasa dana kelurahan tersebut tanggung jawab dan tanggung gugat melekat pada Pejabat Pumbuat Komitmen. Implikasi hukum pengadaan barang atau Jasa dana kelurahan yang kedua adalah berdasarkan SE MENDAGRI NO. 146/2694/SJ Tanggal 27 Maret 2019 Tentang petunjuk teknis Permendagri No. 130 tahun 2018 maka setiap kegiatan pengadaan barang atau Jasa di kelurahan diutamakan menggunakan swakelola III dan IV. Banyak KPA/Lurah dan PPKOM/Pejabat Penatausahaan Kelurahan di Kabupaten Banyumas yang merasa kesulitan dalam melaksanakan proses swakelola. Pemerintah Daerah Kabupaten Banyumas mengambil kebijakan bahwa proses pengadaan barang belanja modal yang sulit diaplikasikan menggunakan metode swakelola dalam proses pengadaanya menggunakan mata anggaran berupa Proses Pembuatan/ Kegiatan Output Bj/ Pekerjaan Bukan Pembelian yang terdapat input material, SDM, peralatan dan metode.

SUMMARY

Urban villages funds emerged after the Association of City Governments throughout Indonesia (APEKSI) proposed to the President the importance of obtaining urban villages such as village funds which have proven to help improve the economy of village residents. Limited human resources at the urban villages level in terms of both quantity and quality in the procurement of goods / services are major regional PRs. The dilemma of Permendagri No. 130 of 2018 concerning Urban Village Facilities and Infrastructure Development Activities and Community Empowerment in urban villages, complemented by a Circular of the Ministry of Home Affairs Number 146/2694 / SJ of 2019 concerning Implementation Guidelines for Permendagri No. 130 of 2018, states firmly that the implementation of procurement of goods / services in urban villages is prioritized through self-management III or IV. Self-managed procurement of goods / services is a managerial level. It takes personnel with the capacity of top managers or at least middle managers. Self-management is not just self-management. There are elements of planning, organizing, implementing to monitoring. Therefore, giving up self-management at the urban villages level is very risky

The approach method is juridical normative, descriptive analysis type research. Secondary data sources, including: laws and regulations, literature, research results, legal experts, legal journals and articles, dictionaries. Data obtained using literature study, presented in the form of narrative text that is arranged systematically, and analyzed qualitatively normative.

The results showed that the policy for procurement of goods and services for urban village funds in Banyumas Regency is certainly based on written provisions made by the local government. There are two legal implications for the procurement of goods and services through the urban villages Fund in Urban Village Infrastructure and Facilities Development Activities in Banyumas Regency, namely: The first legal implication is the attributive handover of authority to the regional head in this case the Regent to carry out the procurement of goods and services which are then delegated to the urban villages as a Budget User Proxy (KPA) and administrative officials as Commitment Making Officer (PPKOM) in the process of procuring goods and services. In the implementation of the procurement of goods and services for the urban villages funds, the responsibility and accountability lies with the Commitment Officer. The second legal implication of the procurement of goods and services for kelurahan funds is based on SE MENDAGRI NO. 146/2694 / SJ Dated 27 March 2019 Regarding technical instructions for Minister of Home Affairs No. 130 of 2018, every activity in the procurement of goods and services in the urban village is prioritized using self-management III and IV. Many KPA / urban villages and PPKOM / urban villages Administration Officers in Banyumas Regency find it difficult to carry out the self-management process. The Regional Government of Banyumas Regency adopted a policy that the procurement process for capital expenditure goods that is difficult to apply uses the self-management method in the procurement process using a budget item in the form of a Bj Output Production / Non-Purchasing Work / Non-Purchasing Process which contains material input, human resources, equipment and methods.